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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

P.C.,

Petitioner,

v.

THE SUPERIOR COURT OF
STANISLAUS COUNTY,

Respondent;

STANISLAUS COUNTY COMMUNITY
SERVICES AGENCY,

Real Party in Interest.

F060159

(Super. Ct. Nos. 515472 & 515473)

OPINION

THE COURT*

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Ann Q.
Ameral, Commissioner.

P.C., Petitioner, in Propria Persona.

No appearance for Respondent.

John P. Doering, County Counsel, and Linda S. Macy, Deputy County Counsel,
for Real Party in Interest.

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* Before Cornell, Acting P.J., Gomes, J., and Detjen, J.

Petitioner in propria persona seeks an extraordinary writ (Cal. Rules of Court, rule 8.452 (rule 8.452)) to vacate the order of the juvenile court setting a Welfare and Institutions Code section 366.26 hearing¹ as to her two daughters. She requests that this court direct the juvenile court to return her daughters to her custody. We conclude her petition fails to comport with the procedural requirements of rule 8.452. Accordingly, we will dismiss the petition as facially inadequate.

STATEMENT OF THE CASE AND FACTS

Dependency proceedings were initiated in April 2009 after petitioner asked the Stanislaus County Community Services Agency (agency) to take custody of her then 21- and 7-month-old daughters. She told the social worker her husband, the children's father, was violent and she was fleeing the relationship. She said she could no longer parent the children, did not want to reunify with them, and did not know anyone who could care for them. The agency placed the children together in foster care.

The juvenile court exercised its dependency jurisdiction, ordered the children removed from parental custody, and ordered a plan of reunification for petitioner. The court denied services to the children's father whose whereabouts were unknown and set the six-month review hearing for November 2009. The whereabouts of the children's father remained unknown throughout these proceedings.

As details of petitioner's background unfolded, the agency discovered not only a pattern of instability and difficulty parenting but also reports that raised questions about whether petitioner was actually a victim of domestic violence. In addition, she had other minor children who were not in her custody as well as an adult son.

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

By November 2009, petitioner had either completed or was in the process of completing all of her court-ordered services. In addition, she was visiting her daughters twice a month. However, she was living with her 19-year-old boyfriend, James, whom she had only met two months before and who had convictions for indecent exposure, battery, and vandalism. The agency was concerned about petitioner's relationship with James not just because of his criminal history but because petitioner included him in her visits with the children and, according to the social worker, he was more attentive to them than she was. Consequently, the social worker advised James and petitioner that James was not allowed in the visitation room. Despite that, petitioner subsequently allowed James to enter the room.

In November 2009, the juvenile court conducted the six-month review hearing. The court found petitioner made fair progress in her court-ordered services and continued them to the 12-month review hearing, which it set for April 2010. The court ordered James not to participate in visitation.

In its report for the April 2010 hearing, the agency recommended the juvenile court continue services to the 18-month review hearing. The agency reported that petitioner's overall progress was fair though it could not ascertain her progress in domestic violence counseling. It also reported that petitioner, unemployed and receiving assistance, continued to live with James who paid their rent. In addition, petitioner and James violated the court's order not to visit with the children on four separate occasions. Meanwhile, the children were placed with petitioner's adult son and his wife who were willing to adopt the children if reunification failed.

The 12-month review hearing was conducted as a contested hearing over five days in May 2010. At issue was whether petitioner had gained sufficient insight into the dynamics of domestic violence as to be able to identify the "red flags" that precede it. Petitioner's domestic violence counselor testified that petitioner had not demonstrated

such insight. The counselor considered petitioner's quick involvement with James and James' criminal history to be red flags and discussed them with petitioner. Petitioner did not see them as such.

Following testimony and argument, the juvenile court found the children could not be safely returned to petitioner's custody and terminated reunification services. The court also set a section 366.26 hearing. This petition ensued.²

DISCUSSION

A lower court's judgment or order is presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) Consequently, an "appellant must affirmatively demonstrate error by an adequate record." (*Bennett v. McCall* (1993) 19 Cal.App.4th 122, 127.) With respect to writ petitions challenging the setting of a section 366.26 hearing, rule 8.452 specifies, inter alia, that the writ petition must include a summary of the significant facts and identify contested legal points with citation to legal authority and argument. (Rule 8.452(b).) At a minimum, the writ petition must "adequately inform the court of the issues presented, point out the factual support for them in the record, and offer argument and authorities that will assist the court in resolving the contested issues." (*Glen C. v. Superior Court* (2000) 78 Cal.App.4th 570, 583.)

In this case, petitioner does not provide a summary of the facts, citation to the appellate record, or legal authority to support a claim of juvenile court error. In fact, except for identifying information (name, address, telephone number) and the date of the 366.26 setting hearing, the writ petition is blank, including the space provided for specifying the grounds for error. The only other notations on the petition are check marks indicating that petitioner seeks relief from the 366.26 setting hearing and the return of the children to her custody. Since petitioner fails to set forth a claim of error, her

² The children's father did not file a writ petition.

petition is facially inadequate and insufficient for review. Consequently, we will dismiss it.

DISPOSITION

The petition for extraordinary writ is dismissed. This opinion is final forthwith as to this court.